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14 (ADMITTED PRO HAC VICE)

15 Attorneys for Plaintiff
16 ALLY FINANCIAL INC.

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19 ALLY FINANCIAL INC., a Delaware
corporation,

20 Plaintiff,

21 vs.

22 HERBERT L. BOSCH, JR., Individually and
as Trustee of the Bosch Family Trust dated
December 16, 1994; LEE A. BOSCH,
23 Individually and as Successor Trustee of the
Bosch Family Trust dated December 16, 1994;
24 BOSCH MOTORS, INC., a Nevada
corporation; Mary Lou Bosch, Individually;
25 Susan R. Bosch, Individually,

26 Defendants.
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Case No. 3:10-CV-00677

[PROPOSED]:

**TEMPORARY RESTRAINING ORDER
AGAINST DEFENDANTS LEE A. BOSCH
AND HERBERT L. BOSCH, JR.**

Chief Judge Robert C. Jones

1 The Application of Plaintiff, ALLY FINANCIAL INC. ("Ally"), for an order for writ of
2 attachment and for writ of garnishment or alternatively for a temporary restraining order against
3 Defendants Lee A. Bosch and Herbert L. Bosch, Jr. came on by an emergency motion
4 (application) before the Chief Judge Robert C. Jones, United States District Court Judge for the
5 District of Nevada.

6 The Court, having reviewed Ally's application, the supporting affidavit of Robert
7 Halcovich, the Affidavit of Eleanor M. Roman, the Memorandum of Points and Authorities, and
8 the Request for Judicial Notice finds that Ally has established that it is entitled to the issuance of
9 temporary restraining order, and GOOD CAUSE APPEARING THEREFORE *ONLY AS IT PERTAINS TO T.R.O.* as follows: *ry*

10 1. Grounds for issuance of a temporary restraining order pursuant to N.R.S. 33.010
11 (2) and (3) against Defendants Lee A. Bosch and Herbert L. Bosch, Jr., exist based upon the facts
12 attested to in the Affidavit of Robert Halcovich and the judicially noticeable documents attached
13 thereto.

14 2. Defendants are liquidating their assets in order to avoid the effects of Ally's
15 impending judgment.

16 3. After this action was filed and while Ally's Motion for Summary Judgment was
17 under consideration by the Court, Defendants subdivided some of their real property and sold six
18 of the parcels resulting from the subdivision (Parcel No. 8-9 and 11-4) to third parties for
19 \$501,450. Defendants also granted an option to a third party to purchase a seventh parcel (Parcel
20 No. 15). Defendants did so after admitting in their Opposition to Ally's Motion for Summary
21 Judgment liability to Ally, leaving only the amount of Defendants indebtedness to Ally in dispute.
22 [Dkt. No. 57, see Dkt. No. 66]. Defendants have by their actions cause great or irreparable injury
23 to Ally, and continue to transfer their property in violation of Ally's rights respecting the subject
24 action, and tending to render the judgment ineffectual.

25 4. Ally has alleged a meritorious claim for relief as stated in the Court's Order
26 partially granting Ally's Motion for Summary Judgment [Dkt. No. 66].

27 5. Defendants, their agents, employees, and all persons acting for them or on their
28 behalf, are hereby immediately restrained and enjoined from transferring any interest in the

1 property described below by lease, sale, pledge, gift, or grant of security interest or otherwise
2 disposing of, encumbering, secreting or transferring possession of the below listed property, in any
3 manner which would prevent, hinder, or delay the levying officer from attaching such property:

4 A. 4134 Autumn Hills Dr., Winnemucca, NV, APN 016-555-04. Net taxable
5 value \$273,931;

6 B. 1201 E. Winnemucca Blvd., Winnemucca, NV, APN 16-272-33, 010-147-
7 01 and 016-361-03 to the extent that Parcel Nos. 016-361-03 and 010-147-01 were not subdivided
8 or sold, subject to the following liens: i) Deed of Trust recorded by the Humboldt County Nevada
9 Recorder July 26, 2004 as Document No. 2004-4045 against Parcel 16-361-03 securing
10 indebtedness in the amount of \$190,000; ii) Deed of Trust recorded by the Humboldt County
11 Nevada recorder August 1, 2006 as Document No. 2006-5003 against a portion of Parcel No. 16-
12 272-33 securing indebtedness in the amount of \$137,000; iii) Deed of Trust recorded by the
13 Humboldt County Nevada recorder February 13, 2007 as Document No. 2007-1073 against Parcel
14 No. 16-361-03 securing indebtedness in the amount of \$125,000; and iv) Deed of Trust recorded
15 by the Humboldt County Nevada Recorder as Document No. 2010 -4126 July 15, 2010 against
16 Parcel Nos. 16-272-33 and 010-147-01 securing indebtedness in the amount of \$350,000. Net
17 taxable value of APN 16-272-33 is \$545,866. The liens against APN 16-272-33 total \$487,000.
18 Therefore, the net value of APN 16-272-33 is \$58,866.00. The net taxable values of APNs 010-
19 147-01 and 016-361-03 after the subdivision are unknown.

20 C. APN 016-361-12 (Parcel 15), a portion of 016-361-03 which was
21 subdivided in October 2012, subject to an Option held by East Horizons Holdings, LLC a Nevada
22 limited liability company. The net taxable value of APN 016-361-12 (Parcel 15) is \$56,500.

23 D. The right of shares which one or both Defendants may have in the stock of
24 Bosch Motors Towing, Inc., Bosch Motors, Inc. or any other corporation or company, together
25 with the interest and profits therein;

26 E. Any right to payment or payment received by Defendants pursuant the
27 Option Agreement entered into with East Horizons Holdings, LLC to purchase Parcel No. 15
28 which is a portion of Parcel No. 016-361-03, as evidenced by the Memorandum of Option

1 Agreement and Escrow Instructions recorded by the Humboldt County Nevada Recorder
2 October 18, 2012 as Document No. 2012-5548;

3 F. Proceeds of the October 18, 2012 sale to East Horizons Holdings LLC, a
4 Nevada limited liability company of Parcels 8, 9 and 11 which constitute portions of APNs 010-
5 147-01 and 016-361-03 to East Horizons Holdings LLC for \$89,417.00;

6 G. Proceeds of the October 18, 2012 sale of Parcel 12 which constitutes a
7 portion of APNs 010-147-01 and 016-361-03 to New Vision Development LLC, a Nevada limited
8 liability company for \$183,525.00;

9 H. Proceeds of the October 18, 2012 sale of Parcels 13 and 14 which constitute
10 a portion of APNs 010-147-01 and 016-361-03 to East Horizons Holdings LLC, a Nevada limited
11 liability company for \$228,508.00.

12 6. This Order shall become effective immediately upon Ally's service of this Order on
13 counsel of record for Defendants by personal delivery and posting of a bond in the amount of
14 \$10,000⁰⁰. Service of a copy of this Order on Defendants' counsel of record shall be
15 accomplished by Ally within 5 business days of the date of this Order

16 7. An order to show cause hearing shall be held on Ally's application on ~~June~~ MAY 29TH,
17 2013 at 11:00 a.m./p.m.

18 8. Defendants Lee A. and Herbert L. Bosch Jr. are:

19 (a) Entitled to certain exemptions, set forth in subsection 2 of NRS 31.045 and may
20 claim an exemption if it appears that exempt property may be seized;

21 (b) Have the right to file affidavits on their behalf; and

22 (c) May appear personally or by way of an attorney, and present testimony on their
23 behalf at the time of hearing.

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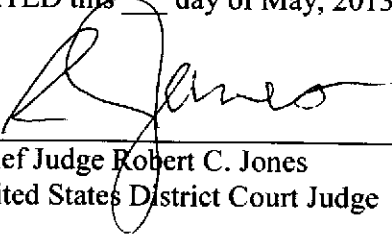
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1 9. If Defendants fail to appear, Defendants shall be deemed to have waived their right
2 to the hearing and in such case the court may order the clerk to issue a writ of attachment and a
3 writ of garnishment.

4 10. This Order shall remain in effect until modified by further order of this Court.
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6 IT IS SO ORDERED.
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8 DATED this ²³ day of May, 2013
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11 Chief Judge Robert C. Jones
12 United States District Court Judge
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